

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

BAYKEEPER,

No. C-05-0398 MMC

Plaintiff,

**ORDER DIRECTING PLAINTIFF TO
SUBMIT PROOF OF SERVICE OF
PROPOSED AMENDED CONSENT
DECREE ON ATTORNEY GENERAL
AND ADMINISTRATOR**

v.

ALCO IRON AND METAL COMPANY, et al.,

Defendants

On November 3, 2005, the Court entered a Consent Decree in the above-titled action. Before the Court is a proposed Amended Consent Decree, signed by plaintiff and defendants, filed August 22, 2008. The Amended Consent Decree, in addition to extending the term of the Consent Decree, imposes additional substantive requirements on defendants.

Where, as here, the United States is not a party to an action brought pursuant to the Federal Water Pollution Control Act, the district court may not enter a proposed consent judgment "prior to 45 days following the receipt of a copy of the proposed consent judgment by the Attorney General and the Administrator."¹ See 33 U.S.C. § 1364(c)(3). To date, plaintiff has not filed proof of service of the proposed Amended Consent Decree on


¹The "Administrator" is the "Administrator of the Environmental Protection Agency." See 33 U.S.C. § 1251(d).

1 either the Attorney General or the Administrator. Consequently, the Court is unable to
2 determine when the matter is appropriate for consideration.

3 Accordingly, plaintiff is hereby DIRECTED to file, no later than October 10, 2008, the
4 requisite proof of service.

5 **IT IS SO ORDERED.**

6
7 Dated: September 30, 2008


MAXINE M. CHESNEY
United States District Judge